

**Federal Operating Permit  
Article 1**

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V; and Chapter 80, Article 1 and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-50 through 9 VAC 5-80-300 and 9 VAC 5-140-10 through 9 VAC 5-140-900 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Dominion Generation
Facility Name:	Altavista Power Station
Facility Location:	104 Wood Lane Altavista, Virginia
Registration Number:	30859
Permit Number:	SCRO30859

This permit includes the following enforcement programs:

**Federally Enforceable Requirements Clean Air Act (Sections I through IX)**  
**Federally Enforceable Requirements Title IV Acid Rain (Section XII)**  
**Federally Enforceable Requirements NO<sub>x</sub> Allowance Budget Trading (Section XIV)**  
**Federally Enforceable Requirements - Clean Air Interstate Rule (Section XV)**

Permit Effective Date: July 1, 2003  
Permit Expiration Date: June 30, 2008

Minor permit modification signature and effective date: April 12, 2004

Minor permit modification signature date: December 6, 2005  
Minor permit modification effective date: January 1, 2006  
Minor permit modification signature and effective date: November 19, 2007  
Administrative amendment signature and effective date: DRAFT

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T.L. Henderson  
Regional Director, South Central Regional Office

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## **I. Facility Information**

### **Permittee**

Dominion Generation  
5000 Dominion Boulevard  
Glen Allen, VA 23060

### **Responsible Official**

Donnie C. Craft  
Station Director

### **Acid Rain Designated Representative**

J. David Rives  
Vice President, Fossil & Hydro  
USEPA AAR ID number 002099

### **NO<sub>x</sub> Allowance Budget Trading Authorized Account Representative**

(same as AR Designated Representative)

### **Facility**

Altavista Power Station  
104 Wood Lane  
Altavista, VA 24517

### **Contact Person**

Cathy C. Taylor  
Director, Electric Environmental Services  
(804) 273-2929

**AFS Identification Number:** 51-031-00156

**ORIS Code:** 10773

**NATS Facility Identification Number:** 010773000001, 010773000002

**Facility Description:** SIC Code 4911 – The Altavista Power Station (APS) operates two, 382.5 MMBtu/hr coal-fired boilers for the purpose of generating electricity. The facility uses associated coal, wood, lime, ash, and fuel oil handling systems to support its operations, as well as several small diesel engine sources used to provide redundant or backup capability. Although coal is the primary fuel for the stoker boilers, each boiler can fire wood along with the coal. Natural gas or No. 2 fuel oil is used for startup. One 146.4 MMBTU/hr natural gas/No. 2 oil fired auxiliary boiler is located at APS to provide steam during main boiler startup if needed.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description*	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
001 (a,b,c,d)	001	Primary boiler (Spreader Stoker)-fueled with coal, wood, No.2 F.O., and/or nat'l gas to generate process steam and electricity	382.5 MMBtu/hr (nominal)	Overfire air system, Ammonia injection, Dry lime scrubber, Fabric filter	EC-1 (a,b,c,d)	NO <sub>x</sub> ,SO <sub>2</sub> , PM/PM10, trace metals	DRAFT
002 (a,b,c,d)	001	Primary boiler (Spreader Stoker)-fueled with coal, wood, No.2 F.O. and/or nat'l gas to generate process steam and electricity	382.5 MMBtu/hr (nominal)	Overfire air system, Ammonia injection, Dry lime scrubber, Fabric filter	EC-2 (a,b,c,d)	NO <sub>x</sub> ,SO <sub>2</sub> , PM/PM10, trace metals	DRAFT
003 (a,b)	003	Auxiliary boiler-fueled with nat'l gas or No.2 F.O. to generate process steam	146.4 MMBtu/hr (nominal)	Low NO <sub>x</sub> burners/Flue gas recirculation	EC-3 (a, b)	NO <sub>x</sub>	DRAFT
005	005	Emergency Diesel Feedwater Pump	126 BHP	---	---	---	DRAFT
006	006	Diesel Firewater Pump Engine	208 BHP	---	---	---	DRAFT
<b>Coal, Wood, Ash and Lime Handling Equipment</b>							
007	Fugitive	Coal unloading building	400 ton/hr	Dust Suppression sprays	EC-7	PM/PM10	DRAFT
008	Fugitive	Coal stacker tube	400 ton/hr	--	--	--	DRAFT

Emission Unit ID	Stack ID	Emission Unit Description*	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Coal, Wood, Ash and Lime Handling Equipment (cont'd.)</b>							
009	Fugitive	Coal crusher	150 tph	Building enclosure sprays	EC-9	PM/PM10	DRAFT
010	010 (a,b,c,d)	Crushed coal storage silo (4)	180 tons (ea.)	Bin vent filter	EC-10 (a,b,c,d)	PM/PM10	DRAFT
011	011	Boiler ash conveyor blower system A	27.8 tons	Fabric filter	EC-11	PM/PM10	DRAFT
012	012	Boiler ash conveyor blower system B	27.8 tons	Fabric filter	EC12	PM/PM10	DRAFT
013	013	Boiler ash conveyor blower system C	27.8 tons	Fabric filter	EC-13	PM/PM10	DRAFT
014	014	Recycled boiler ash storage bin	26.5 tons	Bin vent filter	EC-14	PM/PM10	DRAFT
015	015	Ash storage silo	530 tons	Bin vent filter	EC-15	PM/PM10	DRAFT
016	Fugitive	Ash unloading feeder (DustMaster mixer)	80 tph	Ash conditioning system (water spraying)	EC-16	PM/PM10	DRAFT
017	017	Pebble lime storage silo	135 tons	Bin vent filter	EC-17	PM/PM10	DRAFT
019	Fugitive	Coal storage pile	16,000 tons	---	---	---	DRAFT
020 (a,b)	020 (a,b)	Wood storage silo bin vent (a,b)	100 tons (ea.)	Bin vent filter, fabric filter	EC-20 a,b	PM/PM10	DRAFT
021 (a,b)	021 (a,b)	Wood pulverizers, No. 1 and 2	3.5 tph	Fabric filter	EC-21 a,b	PM/PM10	DRAFT
022	Fugitive	Wood emergency loading spout	20 tph	---	---	---	DRAFT
023	023	Wood conveying to emergency loading	20 tph	Fabric filter	EC-23	PM/PM10	DRAFT
024	024	No.2 Fuel Oil Storage Tank	100,000 gal	---	---	VOC	DRAFT
025	Fugitive	Wood Chip Handling Equipment	500 tons per hour	---	---	PM/PM10	DRAFT

\*Date of construction for all equipment is June 1990 except for 025 (2008). The size/rated capacity is provided for informational purposes only, and is not an applicable requirement.

### **III. Primary Boilers: Fuel Burning Equipment Requirements - (001 and 002)**

#### **A. Limitations**

1. Particulate emissions from the primary boilers (001, 002) shall be controlled by the use of an in-line multiple cyclone, a lime-water injection spray dryer, and a fabric filter operated at a control efficiency of greater than or equal to 99.9 %. The fabric filter may be bypassed during non-coal or wood fuel boiler startups to alleviate potential moisture damage to the fabric filter at low start-up temperatures. Each fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter.  
(9 VAC 5-80-110 and Conditions 4 and 63 of NSR Permits dated DRAFT)
2. Sulfur dioxide emissions from each primary boiler (001, 002) shall be controlled by the use of water-lime injection spray dryer (a dry FGD system) at 92 percent control efficiency.  
(9 VAC 5-80-110 and Conditions 7 and 66 of NSR Permits dated DRAFT).
3. Nitrogen dioxide emissions from each primary boiler (001, 002) shall be controlled by the use of a continuous coal feed system, staged combustion low excess air, and selective non-catalytic reduction.  
(9 VAC 5-80-110 and Conditions 8 and 67 of NSR Permits dated DRAFT).
4. The approved fuels for each primary boiler (001, 002) are bituminous coal and wood. The approved start-up fuels are natural gas and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils" except as modified by Conditions III.A.8 and III.A.9. A change in the fuels may require a permit to modify and operate.  
(9 VAC 5-80-110 and Conditions 30, 48, 90, and 108 of NSR Permits dated DRAFT)
5. The maximum sulfur content of the coal to be burned in each primary boiler (001, 002) shall not exceed 1.5 percent by weight per shipment.  
(9 VAC 5-80-110 and Conditions 32 and 92 of NSR Permits dated DRAFT)
6. The primary boilers (001, 002) shall consume a combined total of no more than 253,932 tons of coal per year, calculated monthly as the sum of each consecutive twelve (12) month period.  
(9 VAC 5-80-110 and Conditions 18 and 78 of NSR Permits dated DRAFT)



7. The primary boilers (001, 002) shall consume a combined total of no more than 60,000 gallons of distillate oil per year, calculated monthly as the sum of each consecutive twelve (12) month period.  
 (9 VAC 5-80-110 and Conditions 49 and 109 of NSR Permits dated DRAFT)
8. The maximum sulfur content of the oil to be burned in the boilers (001 and 002) shall not exceed 0.3 percent by weight per shipment.  
 (9 VAC 5-80-110 and Conditions 34 and 94 of NSR Permits dated DRAFT)
9. The (annual rolling) average sulfur content of the fuel oil to be burned in the boilers (001 and 002) shall not exceed 0.2 percent by weight.  
 (9 VAC 5-80-110 and Conditions 35 and 95 of NSR Permits dated DRAFT)
10. Each primary boiler (001, 002) shall not operate more than 8,400 hours per year.  
 (9 VAC 5-80-110 and Conditions 19 and 79 of NSR Permits dated DRAFT)
11. Emissions from the operation of each primary boiler shall not exceed the limits specified below:

Criteria Pollutant	lb/MMBtu	lb/hr	ton/yr
Particulate Matter	0.020	7.6	32
PM-10	0.018	6.8	29
Sulfur Dioxides	0.187♦♦	70.8	297
Nitrogen Oxides (as NO <sub>2</sub> )*	0.30♦♦	113.7	478
Carbon Monoxide	0.20♦♦	76.0♦♦	318
Volatile Organic Compounds**♦	0.030	11.4	48

- ♦ Maximum input ratio for wood and coal to be established after in-stack testing.
- ♦♦ Compliance determined on 30-day rolling average
- \* Lower limit may be imposed by DEQ after review of in-stack testing and optimizing the SNCR system at various loads.
- \*\* Lower limit may be imposed by DEQ after in-stack testing

Annual limit calculated monthly as the sum of each consecutive 12-month period.  
 (9 VAC 5-80-110 and Conditions 22 and 82 of NSR Permits dated DRAFT)

Non-Criteria Pollutant	lb/day
Beryllium	0.05
Sulfuric Acid Mist	149.2

(9 VAC 5-80-110 and Conditions 22 and 82 of NSR Permits dated DRAFT)

12. Visible emissions from the primary boiler stack (001) shall not exceed ten (10) percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed twenty-seven (27) percent opacity.  
(9 VAC 5-80-110, 40 CFR 60.42a, and Conditions 27 and 87 of NSR Permits dated DRAFT)
13. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at a minimum.  
(9 VAC 5-80-110 and Conditions 55 and 116 of NSR Permits dated DRAFT)

## **B. Monitoring**

1. Continuous emission monitors shall be installed to measure and record the concentration of opacity, SO<sub>2</sub> (at inlet and outlet of spray dryer), NO<sub>x</sub> (at each primary boiler outlet), and CO<sub>2</sub> or O<sub>2</sub> emitted from the primary boilers. They shall be maintained, located and calibrated in accordance with approved procedures (40 CFR 60 Subparts A and Da). A 30 day notification prior to the demonstration of continuous monitoring system performance and subsequent notifications are to be submitted to the South Central Regional Office.  
(9 VAC 5-80-110, 40 CFR 60.13, 40 CFR 60.47a and Conditions 36 and 96 of NSR Permits dated DRAFT)
2. For all continuous monitors required by this permit, the continuous monitoring and quality assurance data may, at the discretion of the Board, be used as evidence of violation of the emission standards. These monitors are subject to such data capture requirements and/or quality assurance requirements as may be deemed appropriate by the Board (refer to 40 CFR 60.13 and Appendix B).  
(9 VAC 5-80-110, 40 CFR 60.13, and Conditions 39 and 99 of NSR Permits dated DRAFT)
3. All continuous emission monitoring systems (CEMS) and continuous opacity monitor (COMS) shall be operated in accordance with the applicable procedures under Performance Specification 1, 2, and 3 of 40 CFR 60, Appendix B.  
(9 VAC 5-80-110 E and 40 CFR 60.13)
4. Continuous Emission Monitoring Systems (CEMS), meeting the design specifications of 40 CFR Part 60, Appendix B Performance Specification 4A, shall be installed to measure and record the emissions of CO from each primary coal boiler as lbs/MMBtu and lbs/hr. The CEMS shall be installed, calibrated, maintained, audited and operated in accordance with DEQ approved procedures which are equivalent to the requirements of 40 CFR 60.13 and Appendices B and F. Data shall be reduced to 30 day rolling averages per the procedures for NO<sub>x</sub> contained in 40 CFR 60 Subpart Da. The monitor

shall be used to demonstrate compliance with the 30-day rolling average CO emission standard (lb/MMBtu basis) as noted in Condition III.A.11.

(9 VAC 5-80-110 and Conditions 40 and 100 of NSR Permits dated DRAFT)

5. A flowmeter shall be used to measure the stack gas airflow from the common stack with the flow apportioned by steam flow rate for each coal boiler utilizing the procedures for Part 75 apportionment. The stack gas flowmeter shall be installed, operated, and maintained in accordance with the provisions of 40 CFR 75 Appendices A and B, with the exception that the relative accuracy test audit (RATA) be performed at least once every four (4) consecutive calendar quarters. The permittee shall submit stack gas flowmeter reports as required by 40 CFR 75 Appendices A and B. The CO emissions (lb/hr basis) shall be calculated from data obtained from the CO continuous emissions monitoring system and stack gas flowmeter in accordance to the provisions of 40 CFR 75 Appendix F. These data shall be used to demonstrate compliance with the 30-day rolling average CO emission standard (lb/hr basis) as noted in Condition 82.  
(9 VAC 5-80-110 and Conditions 41 and 101 of NSR Permits dated DRAFT)
6. Performance evaluations of the CO continuous monitoring systems shall be conducted in accordance with 40 CFR Part 60, Appendix B, and shall take place within 180 days after the initial effective date of the CO 30-day rolling average limit. Two copies of the performance evaluations report shall be submitted to the South Central Regional Office within 45 days of the evaluation. The continuous monitoring systems shall be installed and operational prior to conducting initial performance tests. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation and calibration of the device. A 30 day notification, prior to the demonstration of continuous monitoring system's performance, and subsequent notifications shall be submitted to the South Central Regional Office.  
(9 VAC 5-80-110 and Conditions 42 and 102 of NSR Permits dated DRAFT)
7. A CEMS quality control program which is equivalent to the requirements of 40 CFR 60.13 and Appendix B and F shall be implemented for the CO continuous monitoring systems.  
(9 VAC 5-80-110 and Conditions 43 and 103 of NSR Permits dated DRAFT)
8. The permittee shall furnish written reports to the South Central Regional Office of excess emissions from the primary coal boilers monitored by the CO continuous monitoring system on a quarterly basis, postmarked no later than the 30th day following the end of the calendar quarter. These reports shall include, but are not limited to the following information:
  - a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each

period of excess emissions;

- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

These reports shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and Conditions 44 and 104 of NSR Permits dated DRAFT)

### **C. Recordkeeping**

1. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
  - a. The name of the fuel supplier,
  - b. The date on which the distillate oil was received,
  - c. The volume of distillate delivered in the shipment,
  - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2, and
  - e. The sulfur content of the distillate oil.

(9 VAC 5-80-110 and Conditions 48, 53, 108, and 114 of NSR Permits dated DRAFT)
2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:
  - a. The daily and annual throughput of distillate oil (in 1000 gallons) used for each primary boiler. The annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.

- b. All fuel supplier certifications.
- c. The tons of annual throughput of coal for the facility, calculated monthly as the sum of each consecutive 12-month period.
- d. The tons of annual throughput of wood dust and wood chips (separately) for the facility, calculated monthly as the sum of each consecutive 12-month period.
- e. The annual hours of operation for each boiler calculated monthly as the sum of each consecutive 12-month period.
- f. Verification that the primary boilers and the auxiliary boiler were not operated concurrently in accordance with Condition V.A.2 of this permit.
- g. The ash and sulfur content of each shipment of coal burned in the primary boilers.
- h. All reports required by 40 CFR 60 Subpart Da for the primary boilers (001 and 002).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 9 VAC 5-50-50, 40 CFR 60.7, and Conditions 34, 53, 94, and 114 of the NSR Permits dated DRAFT)

- 3. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boilers. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.  
(9 VAC 5-80-110 and Conditions 55 and 116 of NSR Permits dated DRAFT)

#### **D. Testing**

- 1. At a frequency not to exceed once every five years, the permittee shall conduct a stack test for PM and PM-10 from each main boiler to demonstrate compliance with the applicable hourly emission limits contained in this permit. The initial test shall be performed within 180 days after the effective date of this permit. The test shall be conducted and reported and data reduced as set forth in 9 VAC 5-40-30 or 9 VAC 5-50-30 as applicable. The details of the tests shall be arranged with the South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110 and 9 VAC 5-50-30)

2. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-80-110 and Conditions 51 and 112 of the NSR Permits dated DRAFT)

#### **E. Reporting**

The permittee shall submit fuel quality reports to the Director, South Central Regional Office, within 30 days after the end of each calendar semiannual period. If no shipments of distillate oil were received during the calendar semiannual period, the semiannual report shall consist of the dates included in the calendar semiannual period and a statement that no oil was received during the calendar semiannual period. If distillate oil was received during the calendar semiannual period the reports shall include:

1. The dates included in the calendar semiannual period,
2. A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar semiannual period or a semiannual summary from each fuel supplier that includes the information specified in Condition III.C.1 for each shipment of distillate oil, and,
3. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.
4. Excess emission and monitoring system performance reports shall be submitted to the South Central Regional Office for every calendar semiannual period in accordance with 40 CFR 60.49a and 40 CFR 60.7.
5. The permittee shall submit reports in accordance with 40 CFR 60 Subpart A and 40 CFR 60 Subpart Da for primary boilers (001, 002).

(9 VAC 5-80-110, 9 VAC 5-50-50, 40 CFR 60.7, 40 CFR 60.49a and Conditions 38 and 98 of the NSR Permits dated DRAFT)

### **IV. Auxiliary Boiler: Fuel Burning Equipment Requirements - (003)**

#### **A. Limitations**

1. Particulate emissions from the auxiliary boiler (003) shall be controlled by combustion efficiency.

(9 VAC 5-80-110 and Conditions 5 and 64 of NSR Permits dated DRAFT).

2. The approved fuels for the auxiliary boiler (003) are natural gas and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils" except as modified by Conditions IV.A.3 and IV.A.4. A change in the fuels may require a permit to modify and operate.  
 (9 VAC 5-80-110 and Conditions 33 and 93 of NSR Permits dated DRAFT)
3. The maximum sulfur content of the oil to be burned in the auxiliary boiler (003) shall not exceed 0.3 percent by weight per shipment.  
 (9 VAC 5-80-110 and Conditions 34 and 94 of NSR Permits dated DRAFT)
4. The (annual rolling) average sulfur content of the fuel oil to be burned in the auxiliary boiler (003) shall not exceed 0.2 percent by weight.  
 (9 VAC 5-80-110 and Conditions 35 and 95 of NSR Permits dated DRAFT)
5. Emissions from the operation of the auxiliary boiler shall not exceed the limits specified below:

*For Natural Gas:*

Criteria Pollutant	lb/MMBtu	lb/hr
Nitrogen Oxides (as NO <sub>2</sub> )	0.073 (†♦♦)	10.2 (†)
Carbon Monoxide	0.082	11.4
Volatile Organic Compounds	0.041	5.7

*For Distillate Oil:*

Criteria Pollutant	lb/MMBtu	lb/hr
Particulate Matter	0.04	5.6
PM-10	0.03	4.2
Sulfur Dioxide	0.31 (♦♦)	43.2
Nitrogen Oxides (as NO <sub>2</sub> )	0.2 (†♦♦)	27.9 (†)
Carbon Monoxide	0.082	11.4
Volatile Organic Compounds	0.041	5.7

†Based on high heat release rate.

♦♦Compliance based on 30-day rolling average.

(9 VAC 5-80-110 and Conditions 23 and 83 of NSR Permits dated DRAFT)

6. During any 30-day period when both natural gas and distillate oil are fired, the allowable emission limit for the auxiliary boiler (003) for that period shall be calculated using the equation shown in 40 CFR 60.44 b. (b), modified as follows:

$$En = \frac{[(ELg \times Hg) + (ELO \times Ho)]}{(Hg + Ho)} \quad \text{where,}$$

*En = the nitrogen oxides emission limit, expressed as NO<sub>2</sub>, (lb/MMBtu)*

*EL<sub>g</sub> = the individual natural gas emission limit as shown in this condition, (lb/MMBtu)*

*EL<sub>o</sub> = the individual distillate oil emission limit as shown in this condition, (lb/MMBtu)*

*H<sub>g</sub> = the natural gas heat input (MMBtu/rolling 30-day period)*

*H<sub>o</sub> = the distillate oil heat input (MMBtu/rolling 30 day period)*

(9 VAC 5-80-110, 40 CFR 60.44b(b), and Conditions 23 and 83 of NSR Permits dated DRAFT)

7. Visible emissions from the auxiliary boiler stack (003) shall not exceed ten (10) percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed twenty-seven (27) percent opacity.  
(9 VAC 5-80-110 and Conditions 27 and 87 of NSR Permits dated DRAFT)

## **B. Monitoring**

1. Continuous emission monitors shall be installed to measure and record opacity and the concentration of SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> or O<sub>2</sub> emitted from the auxiliary boiler (003). They shall be maintained, located and calibrated in accordance with approved procedures (reference to 40 CFR 60 Subparts A and Db). Fuel testing for sulfur content in accordance with NSPS Subpart Db may be substituted for the SO<sub>2</sub> Continuous monitor with the approval of the SCRO.  
(9 VAC 5-80-110, 40 CFR 60.47b, 40 CFR 60.48.b, 40 CFR 60.13 and Conditions 37 and 97 of NSR Permits dated DRAFT)
2. For all continuous monitors required by this permit, the continuous monitoring and quality assurance data may, at the discretion of the Board, be used as evidence of violation of the emission standards. These monitors are subject to such data capture requirements and/or quality assurance requirements as may be deemed appropriate by the Board (refer to 40 CFR 60.13 and 40 CFR 60, Appendix B).  
(9 VAC 5-80-110, 40 CFR 60.13 and Conditions 39 and 99 of NSR Permits dated DRAFT)
3. All continuous emission monitoring systems (CEMS) and continuous opacity monitor (COMS) shall be operated in accordance with the applicable procedures under Performance Specification 1, 2, and 3 of 40 CFR 60, Appendix B.  
(9 VAC 5-80-110 E and 40 CFR 60.13)

## **C. Recordkeeping**

1. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
  - a. The name of the fuel supplier,



- b. The date on which the distillate oil was received,
- c. The volume of distillate oil delivered in the shipment,
- d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2, and
- e. The sulfur content of the distillate oil.

(9 VAC 5-80-110, 9 VAC 5-50-410, and Conditions 34, 35, 94 and 95 of NSR Permits dated DRAFT)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:
  - a. The daily and annual throughput of distillate oil (in 1000 gallons) used for the auxiliary boiler (003). The annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
  - b. All fuel supplier certifications.
  - c. The annual rolling average sulfur content of the distillate oil burned in the auxiliary boiler (003), calculated monthly as the sum of each consecutive 12-month period.
  - d. The annual hours of operation for the auxiliary boiler (003) calculated monthly as the sum of each consecutive 12-month period.
  - e. Verification that the primary boilers and the auxiliary boiler were not operated concurrently in accordance with Condition V.A.2 of this permit.
  - f. All reports required by 40 CFR 60 Subpart Db for the auxiliary boiler (003).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110, 40 CFR 60.7, and Conditions 53 and 114 of the NSR Permits dated DRAFT)

3. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boilers. These procedures shall be based on the manufacturer's recommendations, at minimum. All

records required by this condition shall be kept on site and made available for inspection by the DEQ.

(9 VAC 5-80-110 and Conditions 55 and 116 of NSR Permits dated DRAFT)

#### **D. Testing**

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-80-110 and Conditions 51 and 112 of the NSR Permits dated DRAFT)

#### **E. Reporting**

The permittee shall submit fuel quality reports to the Director, South Central Regional Office, within 30 days after the end of each calendar semiannual period. If no shipments of distillate oil were received during the calendar semiannual period, the semiannual report shall consist of the dates included in the calendar semiannual period and a statement that no oil was received during the calendar semiannual period. If distillate oil was received during the calendar semiannual period the reports shall include:

1. The dates included in the calendar semiannual period,
2. A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar semiannual period or a semiannual summary from each fuel supplier that includes the information specified in Condition IV.C.1 for each shipment of distillate oil, and
3. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.
4. Excess emission and monitoring system performance reports shall be submitted to the South Central Regional Office for every calendar semiannual period in accordance with 40 CFR 60.49b and 40 CFR 60.7.
5. The permittee shall submit reports in accordance with 40 CFR 60 Subpart Db for the auxiliary boiler (003).

(9 VAC 5-50-50, 9 VAC 5-80-110 and Conditions 38 and 98 of the NSR Permits dated DRAFT)

### **V. Combined Boiler Limitations**

#### **A. Limitations**

1. Combined emissions from the operation of the primary boilers (001 and 002) and the auxiliary boiler (003) shall not exceed the limitations specified below:

Criteria Pollutant	ton/yr
Particulate Matter	65.0
PM10	58.8
Sulfur Dioxide	599.1
Nitrogen Oxides (as NO <sub>2</sub> )*	961.0
Carbon Monoxide	638.1
Volatile Organic Compounds**♦	97.0

These limits are based on the primary boilers operating 8,400 hr/yr and the auxiliary boiler operating 360 hr/yr. The annual limit is calculated monthly as the sum of each consecutive 12-month period.

\* Lower limits may be imposed by the DEQ after review of in-stack testing and optimizing the SNCR system at various loads.

\*\*Lower limit may be imposed by DEQ after in-stack testing

♦ Maximum input ratio for wood and coal to be established after in-stack testing

(9 VAC 5-80-110 and Conditions 24 and 84 of NSR Permits dated DRAFT)

2. The primary boilers (001, 002) and the auxiliary boiler (003) shall not operate concurrently, except during start-up and shutdown, and then for no more than 12 hours over any consecutive 24-hour period, and unless both primary boilers are operating at 50 percent capacity or less.

(9 VAC 5-80-110 and Conditions 21 and 81 of NSR Permits dated DRAFT)

## **VI. Diesel Fuel Burning Equipment Requirements - (005 and 006)**

### **A. Limitations**

1. The two diesel engines (005 and 006) shall not operate more than a combined total of 382 hours per year, calculated as the sum of the most recent 12-month period.  
(9 VAC 5-80-110 and Conditions 20 and 80 of NSR Permits dated DRAFT)
2. The approved fuel for the diesel engines (005 and 006) is distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils" except as modified by Conditions VI.A.3 and VI.A.4. A change in the fuels may require a permit to modify and operate.  
(9 VAC 5-80-110 and Conditions 31 and 91 of NSR Permits dated DRAFT)
3. The maximum sulfur content of the oil to be burned in the diesel engines (005 and 006) shall not exceed 0.3 percent by weight per shipment.

(9 VAC 5-80-110 and Conditions 34 and 94 of NSR Permits dated DRAFT.

4. The (annual rolling) average sulfur content of the fuel oil to be burned in the diesel engines (005 and 006) shall not exceed 0.2 percent by weight.  
(9 VAC 5-80-110 and Conditions 35 and 95 of NSR Permits dated DRAFT)
5. Visible emissions from the diesel engines (005 and 006) shall not exceed ten (10) percent opacity.  
(9 VAC 5-80-110 and Conditions 28 and 88 of the NSR Permits dated DRAFT)
6. Emissions from the operation of the diesel engines (005 and 006) shall not exceed the limits specified below:

Criteria Pollutant	lb/hr	ton/yr
Nitrogen Oxides (as NO <sub>2</sub> )	44.44	3.19
Carbon Monoxide	9.57	0.69

Annual limit calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-110 and Conditions 25 and 85 of NSR Permits dated DRAFT)

#### **B. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:

1. Annual hours of operation of the diesel engines (005 and 006), calculated monthly as the sum of each consecutive 12-month period.
2. The maximum sulfur content per shipment of distillate oil burned in the diesel engines (005 and 006).
3. The annual rolling average sulfur content of the distillate oil burned in the diesel engines (005 and 006), calculated monthly as the sum of each consecutive 12-month period.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110, Conditions 53, 54, 114 and 115 of NSR Permits dated DRAFT)

#### **C. Testing**

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the South Central Regional Office, test ports will be provided at the appropriate locations.

(9 VAC 5-50-30, 9 VAC 5-80-110 and Conditions 51 and 112 of the NSR Permits dated DRAFT)

#### **D. Reporting**

Upon request of the Department, the permittee shall provide reports in a manner and form using procedures acceptable to the Department.

(9 VAC 5-80-110)

### **VII. Coal, Wood, Ash & Lime Handling Requirements - (007-017, 019, 020-023)**

#### **A. Limitations**

1. Particulate emissions from the wood storage silo, the emergency truck loading station, coal feed silos, lime storage silo, recycle bin and discharge storage silo shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.  
(9 VAC 5-80-110 and Conditions 6 and 65 of NSR Permits dated DRAFT)
2. Fugitive dust emissions from the coal unloading, feeding and conveying shall be controlled by wet suppression with surfactant as necessary.  
(9 VAC 5-80-110 and Conditions 9 and 68 of NSR Permits dated DRAFT)
3. The wood pulverizer systems shall include fabric filters for the collection of pulverized wood fuel. The fabric filters shall be provided with adequate access for inspection.  
(9 VAC 5-80-110 and Conditions 10 and 69 of NSR Permits dated DRAFT)
4. Lime slaker emissions shall be controlled by fabric filter. The fabric filter shall be provided with adequate access for inspection and shall have a device for continuous measurement of pressure drop.  
(9 VAC 5-80-110 and Conditions 11 and 70 of NSR Permits dated DRAFT)
5. The coal crusher and the wood pulverizer shall be enclosed to prevent fugitive dust emissions. A fabric filter or other dust control methods, as approved by the South Central Regional Office may be required after visible inspection by Agency personnel.  
(9 VAC 5-80-110 and Conditions 12 and 71 of NSR Permits dated DRAFT)
6. All conveyor belt returns shall be equipped with a belt scraper system. Scrapings shall be returned in an enclosed manner to the main flow of material.  
(9 VAC 5-80-110 and Conditions 13 and 72 of NSR Permits dated DRAFT)
7. Fugitive dust emissions from the coal feed hopper to the primary boiler silo shall be controlled by enclosed belt feed conveyors.  
(9 VAC 5-80-110 and Conditions 14 and 73 of NSR Permits dated DRAFT)

8. Fugitive dust emissions from the ash and flue gas desulfurization product storage silo shall be controlled by mixing the discharge with water.  
(9 VAC 5-80-110 and Conditions 15 and 74 of NSR Permits dated DRAFT)
9. Coal stockpiles shall be moistened or treated (wet suppression and surfactant) and the stockpile surfaces shall be kept moist or treated as required to minimize emissions during storage and handling.  
(9 VAC 5-80-110 and Conditions 16 and 75 of NSR Permits dated DRAFT)
10. Fugitive particulate emissions from the unloading, transfer and handling of wood chips shall be minimized by utilizing methods approved by DEQ.  
(9 VAC 5-80-110 and Condition 77 of NSR Permit dated DRAFT)
11. Visible emissions from the fugitive emission points shall not exceed ten (10) percent opacity.  
(9 VAC 5-80-110 and Conditions 28 and 88 of NSR Permits dated DRAFT)
12. Visible emissions from all fabric filters associated with the lime, coal, ash, wood handling shall not exceed five (5) percent opacity.  
(9 VAC 5-80-110 and Conditions 29 and 89 of NSR Permits dated DRAFT)
13. Emissions from the operation of the coal, wood dust, wood chips, ash and lime storage and handling systems shall not exceed the limits specified below:

Criteria Pollutant	lb/hr	ton/yr
Particulate Matter	11.20	8.86
PM-10	11.19	8.85

These emissions are derived from the estimated overall emissions contribution and are included for emission inventory purposes. Compliance shall be determined as stated in Conditions III.A.6, VII.A.1 through VII.A.12, and IX.A.1.a.

(9 VAC 5-80-110 and Conditions 26 and 86 of NSR Permits dated DRAFT)

## **B. Monitoring**

1. Visible emission observations from the fabric filter exhaust stacks and all fugitive emission points shall be conducted at least once a week. If visible emissions are observed, the permittee shall:
  - a. Take timely corrective action such that the equipment resumes operation with no visible emissions or,
  - b. Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60,

Appendix A, Method 9 to assure visible emissions from any fabric filter is less than five (5) percent opacity or any fugitive emission point is less than ten (10) percent opacity. The VEE shall be conducted for a minimum of six (6) minutes. If any of the 15-second observation exceeds the appropriate opacity value listed in Conditions VII.A.10 or VII.A.12, the VEE shall be conducted for a total of sixty (60) minutes. If compliance is not demonstrated by the VEE, timely corrective action shall be taken such that the equipment resumes operation with visible emissions of less than the allowable limits listed in Conditions VII.A.10 or VII.A.12.

A record of the date, time, observer, cause and corrective measures taken shall be made. If no visible emissions were observed, a record of the date, time and observer shall be made. These records shall be maintained on site by the permittee for the most recent 5-year period.

(9 VAC 5-80-110 E)

### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:

1. The results of the weekly opacity observations of all emissions points associated with these processes (007-017, 019, and 020-023), along with any corrective actions.
2. All records required by 40 CFR 60 Subpart Y for coal crushing equipment (009) have been satisfied.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Conditions 53 and 114 of NSR Permits dated DRAFT)

### **D. Testing**

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.

(9 VAC 5-80-110 and Conditions 51 and 112 of the NSR Permits dated DRAFT)

### **E. Reporting**

Upon request of the Department, the permittee shall provide reports in a manner and form using procedures acceptable to the Department. All reports required by 40 CFR 60 Subpart Y for coal crushing equipment (009) have been satisfied.

(9 VAC 5-80-110)

### **VIII. Distillate Fuel Oil Storage Tank Requirements - (024)**

The permittee shall keep readily accessible records showing tank dimensions and an analysis showing the capacity of the distillate oil storage tank (024) and shall report to the South Central Regional Office if the maximum true vapor pressure of the stored product exceeds 0.50 psi.

(9 VAC 5-80-110 and Conditions 50 and 110 of NSR Permits dated DRAFT)

## **IX. Facility Wide Conditions**

### **A. Requirements**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, South Central Regional Office. These records shall include, but are not limited to:
  - a. The permittee shall develop, maintain, and have available to all operators, good written operating procedures for all air pollution control equipment. A maintenance schedule for all such equipment shall be established and made available to the South Central Regional Office for review.
  - b. Any host steam agreement, excluding financial terms, shall be made available on site for review by the DEQ upon request.
  - c. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instruments, and copies of all reports required by the permit.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Conditions 45, 53, 55, 105, 114, and 116 of NSR Permits dated DRAFT)

2. No project shall result in a major modification as defined in 9 VAC 5-80-1615 without receiving a permit pursuant to 9 VAC 5-80 Article 8. For projects which rely on excluded emissions (subsection c of the definition of “projected actual emissions” in 9 VAC 5-80-1615) to be exempt from review under 9 VAC 5-80 Article 8, the following conditions shall apply:
  - a. The permittee shall maintain records sufficient to demonstrate the project did not result in a major modification as defined in 9 VAC 5-80-1615. Any increase in



emissions without sufficient documentation shall be attributed to the project.

- b. If annual emissions after the project (12 month rolling total) exceed the “baseline actual emissions” (as defined in 9 VAC 5-80-1615) for the project by a “significant” amount (as defined in 9 VAC 5-80-1615), the permittee shall notify the South Central Regional Office within fifteen (15) days after the event.

For each applicable project, Conditions IX.A.2.a and IX.A.2.b are effective for the projection period as prescribed in the definition of “projected actual emissions” located in 9 VAC 5-80-1615. Nothing in this condition shall restrict when the Board may find the permittee in violation of 9 VAC 5-80-1625 A.  
(9 VAC 5-80-110 and Condition 111 of NSR Permit dated DRAFT)

3. Where there is a reasonable possibility a project may result in a significant emissions increase and the permittee elects to use the method specified in subdivisions a through c of the definition of "projected actual emissions" in 9 VAC 5-80-1615 for calculating projected actual emissions, the permittee shall comply with 9 VAC 5-80-1785 B, C and E.  
(9 VAC 5-80-110 and 9 VAC 5-80-1785)

## **X. Insignificant Emission Units**

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

<u>Emission Unit No.</u>	<u>Description</u>	<u>Citation</u> 9 VAC 5-80-720 A, or B, or C	<u>Pollutant(s) Emitted</u> (9 VAC 5-80-720B)	<u>Rated Capacity</u> (if applicable to 9 VAC 5-80-720 C)
---	Turbine Lube Oil Reservoir	9 VAC 5-80-720-B.2	VOC	
---	Solvent-based parts washer (non-halogenated)	9 VAC 5-80-720-B.2	VOC	
---	Used oil tank	9 VAC 5-80-720-C.3		200 gallons
---	Oil/Water Separator (sump)	9 VAC 5-80-720-C.3		280 gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## **XI. Permit Shield & Inapplicable Requirements**

Compliance with the provisions of this permit shall be deemed compliance with all

applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Non Applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the (i) administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-110 and 9 VAC 5-80-140)

## **XII. Title IV Requirements**

1. The Phase II acid rain permit for this facility, issued pursuant to 9 VAC 5-80-360 et seq. on January 1, 2006 and expiring on December 31, 2008, is incorporated by reference into this permit. A copy of that acid rain permit is attached (Attachment A).  
(9 VAC 5-80-110)
2. Where an applicable requirement of the Clean Air Act, or of this permit, is more stringent than an applicable requirement from state or federal regulations promulgated under Title IV of the Clean Air Act, both provisions appear in this Permit and both are enforceable by the Administrator of the U.S. Environmental Protection Agency.  
(9 VAC 5-80-110 and 40 CFR Part 70, section 70.6(a)(1)(ii))
3. Emissions from emission units in Altavista Power Station may not exceed any allowances that Altavista Power Station holds under its Title IV acid rain permit, which is incorporated by reference into this Permit as mentioned in Condition XII.1.  
(9 VAC 5-80-110 and 40 CFR Part 70, section 70.6(a)(4))
4. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to Title IV of the federal Clean Air Act or 9 VAC 5-80-360 et seq., provided that such increases do not require a permit revision under any other applicable requirement.  
(9 VAC 5-80-110 and 40 CFR Part 70, section 70.6(a)(4)(i))

5. This facility may hold any number of allowances authorized by its acid rain permit. But the source may not use these allowances as a defense to a non-compliance with any other applicable requirement.  
(9 VAC 5-80-110 and 40 CFR Part 70, section 70.6(a)(4)(ii))
6. Any allowance authorized by this facility's acid rain permit shall be accounted for according to procedures established under 9 VAC 5-80-360 et seq. or under federal regulations pursuant to Title IV of the Clean Air Act.  
(9 VAC 5-80-110 and 40 CFR Part 70, section 70.6(a)(4)(iii))
7. Nothing in this Permit shall alter or affect the applicable requirements of the acid rain program pursuant to Title IV of the Clean Air Act.  
(9 VAC 5-80-110 and 40 CFR Part 70, section 70.6(f)(3)(iii))

### **XIII. General Conditions**

#### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

#### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-510.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the

previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F.1 and F.5(ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

- b. All deviations from permit requirements. For purposes of this permit, a “deviation” includes, but is not limited to:
- (1) Exceedance of emissions limitations or operational restrictions,
  - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. The status of compliance with the terms and conditions of this permit for the certification period.

7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 and 9 VAC 5-80-80 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, South Central Regional Office within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation, unless the facility otherwise submits reports of excess emissions pursuant to 9 VAC 5-50-50 C. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition XIII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four (4) daytime business hours after the malfunction is discovered, notify the Director, South Central Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C or 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities and pollutants subject to the monitoring requirements of 9 VAC 5-40-40 or 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, South Central Regional Office.

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C or 9 VAC 5-50-50 C are not subject to the two-week written notification.
2. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C or the procedures of 9 VAC 5-50-50 C are listed below:

- a. Main Boiler (001)
  - b. Main Boiler (002)
  - c. Auxiliary Boiler (003).
3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-410 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the board for every calendar semiannual period. All semiannual reports shall be postmarked by the 30th day following the end of each calendar semiannual period and shall include the following information:
- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
  - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
  - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
  - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.
4. All emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C must submit written reports within 14 days of the malfunction occurrence.

(9 VAC 5-80-110, 9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**J. Permit Action for Cause**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
(9 VAC 5-80-110 G and L, 9 VAC 5-80-240, and 9 VAC 5-80-260)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
  - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
  - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
  - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
  - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
  - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
  - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);



- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-80-110 and 9 VAC 5-50-90)

#### **O. Startup, Shutdown, and Malfunction**

1. At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9 VAC 5-80-110, 9 VAC 5-50-20 E, and 60.11(d))
2. The permittee shall maintain a spare parts inventory for equipment associated with all air pollution control and monitoring equipment to minimize down time during periods of malfunction. In the event that any pollution control equipment on either of the main boilers malfunctions or has unscheduled maintenance in such a manner as to cause a violation of any emission standard set forth in this permit, the permittee shall immediately shut down the affected boiler in a controlled fashion or isolate the problem for an immediate correction. The permittee shall contact the South Central Regional Office within two (2) business hours of said maintenance of malfunction.  
(9 VAC 5-80-110 and Conditions 46 and 106 of NSR Permits dated DRAFT)

#### **P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The

terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.  
(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times, substances, or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-110 and 9 VAC 5-80-150 E)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-110 and 9 VAC 5-80-160)

**U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the

malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-110 and 9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-110 and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-110 and 9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(9 VAC 5-80-110 and 40 CFR Part 82, Subparts A - F)

#### **Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(9 VAC 5-80-110 and 40 CFR Part 68)

#### **Z. Changes to Permits for Emissions Trading**

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

#### **AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

#### **BB. Operational Flexibility**

The provisions of 9 VAC-5-80-280 regarding operational flexibility applies.

(9 VAC 5-80-110 and 9 VAC-5-80-280)

### **XIV. NO<sub>x</sub> Allowance Budget Trading Permit Requirements**

#### **A. General Conditions**

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO<sub>x</sub> Budget Unit and is subject to the NO<sub>x</sub> Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, for each NO<sub>x</sub> Budget source required to have a federally enforceable permit. This section represents the NO<sub>x</sub> Budget Trading permit.

(9 VAC 5-140-40 or 9 VAC 5-140-800)

2. The NO<sub>x</sub> Budget Trading permit will be administrated by the VADEQ under the authority of 9 VAC Chapter 80, Part II, Articles 1 and 3 (9 VAC 5-80-50 et seq. and 9 VAC 5-80-360 et. seq.) and 9 VAC 5, Chapter 140, Part I (9 VAC 5-140-10 et seq.). (9 VAC 5-140-200 A)
3. The following air emission unit(s) have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO<sub>x</sub> Budget Trading program as “opt-in” air emission sources.  
(9 VAC 5-140-40 A) or (9 VAC 5-140-800).

<b>Table XIV-1</b> <b>Facility NO<sub>x</sub> Budget Units</b>				
<b>Facility Unit ID</b>	<b>Unit NATS Code</b>	<b>Unit Name and Description</b>	<b>Maximum Heat Capacity (MMBtu/hr)</b>	<b>Maximum Generation Capacity (megawatts)</b>
1	010773000001	Primary boiler – Spreader Stoker, fueled with coal, wood, #2 F.O. and or natural gas to generate process steam electricity	382.5 MMBtu/hr	71 (gross)
2	010773000002	Primary boiler – Spreader Stoker, fueled with coal, wood, #2 F.O. and or natural gas to generate process steam electricity	382.5 MMBtu/hr	

4. This NO<sub>x</sub> Budget Trading permit will become effective on May 31, 2004.  
(9 VAC 5-140-240.1)

## **B. Standard Requirements**

1. Continuous Monitoring Requirements
  - a. The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall comply with the monitoring requirements of 9 VAC 5, Chapter 140, Part I, Article 8 (9 VAC 5-140-700 et seq.).  
(9 VAC 5-140-60 B.1)
  - b. The emissions measurements recorded and reported in accordance with 9 VAC 5 Chapter 140 Part I, Article 8 (9 VAC 5-140-700 et seq.) and subparts H of 40 CFR 75, and 40 CFR part 97 shall be used to determine compliance by the unit with the

NO<sub>x</sub> Budget emissions limitation under Condition XIV.B.2.  
(9 VAC 5-140-60 B.2)

2. Nitrogen oxides requirements

- a. The owners and operators of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with 9 VAC 5, Chapter 140, Part I, Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO<sub>x</sub> Budget Trading Program, or a change in regulatory status, of a NO<sub>x</sub> Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.  
(9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO<sub>x</sub> Budget emissions limitation shall constitute a separate violation of 9 VAC 5, Chapter 140, Part I, the Clean Air Act, and applicable Virginia Air Pollution Law.  
(9 VAC 5-140-60 C.2)
- c. A NO<sub>x</sub> Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004 or the date on which the unit commences operation.  
(9 VAC 5-140-60 C.3)
- d. NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> Allowance Tracking System accounts in accordance with Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5, Chapter 140, Part I.  
(9 VAC 5-140-60 C.4)
- e. A NO<sub>x</sub> allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated.  
(9 VAC 5-140-60 C.5)
- f. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO<sub>x</sub> Budget Trading Program. No provision of the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> Budget permit application, the NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be



construed to limit the authority of the United States or the State to terminate or limit such authorization.

(9 VAC 5-140-60 C.6)

- g. A NO<sub>x</sub> allowance allocated by the permitting authority or the administrator under the NO<sub>x</sub> Budget Trading Program does not constitute a property right.  
(9 VAC 5-140-60 C.7)

- h. Upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5, Chapter 140, Part I, every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from a NO<sub>x</sub> Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO<sub>x</sub> Budget permit of the NO<sub>x</sub> Budget unit by operation of law without any further review.  
(9 VAC 5-140-60 C.8)

### 3. Excess emissions requirements

The owners and operators of a NO<sub>x</sub> Budget unit that has excess emissions in any control period shall:

- a. Surrender the NO<sub>x</sub> allowances required for deduction under 9 VAC 5-140-540 D 1; and
- b. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.

(9 VAC 5-140-60 D)

## **C. Recordkeeping and Reporting Requirements**

The following requirements concerning recordkeeping and reporting shall apply:

- 1. Unless otherwise provided, the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.  
(9 VAC 5-140-60 E.1)
  - a. The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate

- and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.  
(9 VAC 5-140-60 E.1)
- b. All emissions monitoring information, in accordance with 9 VAC 5, Chapter 140, Part I, Article 8 (9 VAC 5-140-700 et seq.); provided that to the extent that 9 VAC 5-140-700 et seq. provides for a three-year period for recordkeeping, the three-year period shall apply.  
(9 VAC 5-140-60 E.1)
  - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
  - d. Copies of all documents used to complete a NO<sub>x</sub> Budget permit application and any other submission under the NO<sub>x</sub> Budget Trading Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 E.1)
2. The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Trading Program, including those under Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5, Chapter 140, Part I.  
(9 VAC 5-140-60 E.2)

#### **D. Testing for CEM Certification**

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.  
(9 VAC 5-140-710)

#### **E. Liability**

- 1. Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.  
(9 VAC 5-140-60 F.1)
- 2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.  
(9 VAC 5-140-60 F.2)

3. No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.  
(9 VAC 5-140-60 F.3)
4. Each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit shall meet the requirements of the NO<sub>x</sub> Budget Trading Program.  
(9 VAC 5-140-60 F.4)
5. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget source or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source shall also apply to the owners and operators of such source and of the NO<sub>x</sub> Budget units at the source.  
(9 VAC 5-140-60 F.5)
6. Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> Budget unit or the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under 9 VAC 5, Chapter 140, Part I, Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO<sub>x</sub> authorized account representative of one NO<sub>x</sub> Budget unit shall not be liable for any violation by any other NO<sub>x</sub> Budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.  
(9 VAC 5-140-60 F.6)

**F. Effect on Other Authorities**

No provision of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> Budget permit application, a NO<sub>x</sub> Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, the Clean Air Act.  
(9 VAC 5-140-60 G)

**XV. Clean Air Interstate Rule (CAIR) Requirements**

The permittee shall comply with all applicable CAIR requirements (9 VAC 5-140-1010 et seq., 9 VAC 5-140-2010 et seq., 9 VAC 5-140-3010 et seq., 9 VAC 5-140-5010 et seq., and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140, as contained in the CAIR Permit. The CAIR Permit is Attachment B to this document and expires upon expiration of this Title V permit.  
(9 VAC 5-80-110, 40 CFR Part 96, and 9 VAC 5 Chapter 140)